UNITED STATES PATENT AND TRADEMARK OFFICE

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09/657,234	09/07/2000	James Patrick Allen	ROC9-2000-0220-US1	1600

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

DETAILED ACTION

1. Claims 1 – 18 are presented for examination.

Claim Objections

1. Claim 16 is objected to because of the following informalities: Claim 16 references itself and is therefore has an improper claim dependency. Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Hardware 120 is not referenced correctly in the specification. On page 4, line 26 of the application, element 120 is referred to as "firmware". This occurrence is frequently found in the application. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pass through by said device driver <u>through</u> a host bus adapter (HBA) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6.   Claims 1 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The limitation of, "pass through by said device driver through a host bus adapter (HBA)," is not specifically found in the specification. In the specification the device driver is in a HBA.

7.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8.   Claims 4, 5, 14 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "common" in common transport or common services layer is too ambiguous as to what specifically is designated as "common".

9.   Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "standard" in standard HBA device driver interface is too ambiguous as to what specifically is designated as "standard".

10.   Claims 13 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "upper" in upper level protocol or upper layers does not specifically designate which part of the layered system is "upper" and is therefore ambiguous as to what specifically is "upper".

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

12.   Claims 1 – 3, 6, 7, 10 and 11 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Wieland U.S. Patent No. 6643748.

13.   Referencing claim 1, as closely interpreted by the Examiner, Wieland teaches a storage area network (SAN) management and configuration method via enabling in-band communications comprising the steps of:

14.   utilizing a SAN management application for communicating with a device driver, (e.g. col. 6, line 33 –

col. 7, line 3), and

15.   providing a pass through by said device driver through a host bus adapter (HBA) for passing

communications to a device in the storage area network from said SAN management application, (e.g. col. 5,

lines 14 – 48).

16.   Referencing claim 2, as closely interpreted by the Examiner, Wieland teaches the step of utilizing said

SAN management application for communicating with a device driver includes the step of providing a

management application agent coupled between said SAN management application and said device driver, (e.g.

col. 6, line 58 – col. 7, line 32).

17.   Referencing claim 3, as closely interpreted by the Examiner, Wieland teaches the step of utilizing said

management application agent for providing predefined, fibre channel standard, protocol functions for

communicating with said device in the storage area network, (e.g. col. 1, line 40 – col. 2, line 16).

18.   Referencing claim 6, as closely interpreted by the Examiner, Wieland teaches the step of providing said

pass through by said device driver through a host bus adapter (HBA) for passing communications to a device in

the storage area network from said SAN management application includes the step of providing said pass

through for passing a plurality of commands, (e.g. col. 6, line 53 – col. 7, line 32).

19.   Referencing claim 7, as closely interpreted by the Examiner, Wieland teaches the step of providing said

pass through for passing at least one topology analysis command, (e.g. col. 4, line 63 – col. 5, line 49 & col. 6,

line 53 – col. 7, line 32).

20.   Referencing claim 10, as closely interpreted by the Examiner, Wieland teaches the step of providing said

pass through for passing at least one configuration command, (e.g. col. 4, line 63 – col. 5, line 49 & col. 6, line

53 – col. 7, line 32).

21.   Claims 11 – 14 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23.   Claims 4, 5, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieland

(6643748) in view of Stai et al. (6401128) (hereinafter Stai).

24.   As per claim 4, as closely interpreted by the Examiner, Wieland teaches as the step of providing

predefined protocol functions for communicating with said device in the storage area network include the step

of providing a common transport (CT) protocol function, (e.g. col. 1, line 40 – col. 2, line 16), but does not

teach an extended link service (ELS) protocol function. Stai teaches an extended link service (ELS) protocol

function, (e.g. col. 6, line 33 – col. 7, line 7). It would have been obvious to one of ordinary skill in the art at the

time the invention was made to combine Stai with Wieland because it would be more efficient for a system to

utilize ELS for responding to a payload translation during a public-to-private translation or private-to-public.

25.   As per claim 5, as closely interpreted by the Examiner, Wieland teaches the step of providing a pass through by said device driver through a host bus adapter (HBA) includes the step of providing a common transport (CT) pass through and by said device driver through said host bus adapter (HBA), (e.g. col. 1, line 40 – col. 2, line 16) but does not specifically teach an extended link service (ELS) pass through. Stai teaches an extended link service (ELS) pass through, (e.g. col. 6, line 33 – col. 7, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stai with Wieland because of similar reasons stated above.

26.   Claims 17 and 18 are rejected for similar reasons stated above.

27.   Claims 8, 9, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wieland (6643748) in view of Panas et al. (6473857) (hereinafter Panas).

28.   As per claim 8, as closely interpreted by the Examiner, Wieland does not specifically teach the step of providing said pass through for passing at least one performance analysis command. Panas teaches the step of providing said pass through for passing at least one performance analysis command, (e.g. col. 4, lines 36 – 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Panas with Wieland because it would be more efficient for a system to analyze the performance of a system in order to make sure that the system is running properly and when errors occur, they are easily identified and taken care of.

29.   As per claim 9, as closely interpreted by the Examiner, Wieland does not specifically teach the step of providing said pass through for passing at least one attribute analysis command. Panas teaches the step of providing said pass through for passing at least one attribute analysis command, (e.g. col. 4, lines 36 – 61). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Panas

with Wieland because it would be more efficient for a system to analyze the attribute to see if there are trends in

the system that could lead to a efficient running system or a system with errors in it.

30.   Claims 16 and 17 are rejected for similar reasons as stated above.

Conclusion

31.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

32.   a.   Latif et al. U.S. Patent No. 6400730 discloses Method and apparatus for transferring data

between IP network devices and SCSI and fibre channel devices over an IP network.

33.   b.   Blumeanau et al. U.S. Patent No. 6665714 discloses Method and apparatus for determining an

identity of a network device.

34.   c.   Kelman U.S. Patent No. 6671820 discloses System and method for the prevention of corruption

of networked storage devices during backup data recovery.

35.   d.   Allen et al. U.S. Patent No. 6643586 discloses System and method to determine fibre channel

device locations using GPS.

36.   e.   O'Connor U.S. Patent No. 6584582 discloses Method of file system recovery logging.

37.   f.   Blades et al. U.S. Patent No. 6493811 discloses Intelligent controller accessed through

addressable virtual space.

38.   g.   Schubert et al. U.S. Patent No. 6460113 discloses System and method for performing backup

operations using a fibre channel fabric in a multi-computer environment.

39.   h.   Aziz et al. U.S. Patent No. 6597956 discloses Method and apparatus for controlling an extensible

computing system.

Any inquiry concerning this communication or earlier communications from the examiner should be

directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be

reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A.

Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or

proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-

9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De _DL_

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